

CHAPTER 45

PUBLIC UTILITIES

HOUSE BILL 19-1034

BY REPRESENTATIVE(S) Sullivan and Esgar, Arndt, Bird, Buckner, Buentello, Caraveo, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Kennedy, Kipp, Kraft-Tharp, McLachlan, Melton, Mullica, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman, Michaelson Jenet;
also SENATOR(S) Danielson, Bridges, Fenberg, Fields, Ginal, Pettersen, Rodriguez, Story, Todd, Winter, Garcia.

AN ACT

CONCERNING A REQUIREMENT THAT A COMMON CARRIER ENGAGED IN THE TRANSPORTATION OF PROPERTY BY RAILROAD HAVE AT LEAST TWO CREW MEMBERS ABOARD A FREIGHT TRAIN WHILE THE FREIGHT TRAIN IS MOVING.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 40-9-101 as follows:

40-9-101. Application of sections. ~~The provisions of Sections 40-9-101 to 40-9-108 shall~~ 40-9-110 apply to any person who is held to be a common carrier, ~~within the meaning and purpose of said sections and to any common carrier engaged in the transportation of passengers or property by railroad from one point within the state to any other point within the state. These sections shall~~ DO not apply to the ownership or operation of street transportation public utilities conducted solely as common carriers in the transportation of passengers.

SECTION 2. In Colorado Revised Statutes, **add** 40-9-110 as follows:

40-9-110. Railroad freight transport - number of crew members required - penalty - legislative declaration - definition. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT IT IS IN THE PUBLIC INTEREST TO REQUIRE THAT A COMMON CARRIER ENGAGED IN THE TRANSPORTATION OF FREIGHT BY RAILROAD HAVE MULTIPLE CREW MEMBERS ABOARD A RAILROAD TRAIN OR LIGHT ENGINE IN ORDER TO HELP ENSURE THE PUBLIC SAFETY OF CITIZENS OF THIS STATE AND THE SAFETY OF THE STATE'S WATERWAYS AND NATURAL ENVIRONMENT.

(2) A RAILROAD TRAIN OR LIGHT ENGINE OPERATED IN CONNECTION WITH

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CARRYING FREIGHT MUST HAVE AT LEAST TWO CREW MEMBERS ABOARD WHILE THE RAILROAD TRAIN OR LIGHT ENGINE IS MOVING.

(3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

(a) HELPER SERVICE;

(b) TRAINS THAT ARE USED PRIMARILY FOR THE PURPOSE OF TRANSPORTING PEOPLE FROM ONE LOCATION TO ANOTHER OR ARE USED FOR TOURISM PURPOSES SUCH AS SCENIC, HISTORIC, OR EXCURSION RIDES;

(c) A LOCOMOTIVE OR GROUP OF LOCOMOTIVES THAT ARE TRAVELING NO MORE THAN THIRTY MILES PER HOUR OUTSIDE OF A RAIL YARD AND ARE ATTACHED ONLY TO A CABOOSE;

(d) HOSTLER SERVICE; AND

(e) THE MOVEMENT OF A TRAIN FOR THE PURPOSE OF LOADING OR UNLOADING FREIGHT SO LONG AS THE TRAIN IS MOVING NO MORE THAN TEN MILES PER HOUR.

(4) A PERSON WHO WILLFULLY VIOLATES SUBSECTION (2) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF:

(a) NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS FOR A FIRST OFFENSE;

(b) NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE COMMITTED WITHIN THREE YEARS; OR

(c) NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE COMMITTED WITHIN THREE YEARS.

(5) AS USED IN THIS SECTION:

(a) (I) "CREW MEMBER" MEANS AN EMPLOYEE OF THE COMMON CARRIER INVOLVED IN THE OPERATION OF A RAILROAD TRAIN OR LIGHT ENGINE.

(II) "CREW MEMBER" DOES NOT INCLUDE A HOSTLER SERVICE OR UTILITY EMPLOYEE OR CONTRACTOR OF THE CARRIER.

(b) (I) "HELPER SERVICE" MEANS THE USE OF A LOCOMOTIVE OR A GROUP OF LOCOMOTIVES TO ASSIST ANOTHER TRAIN THAT IS EXPERIENCING MECHANICAL FAILURE OR LACKS THE POWER TO TRAVERSE DIFFICULT TERRAIN.

(II) "HELPER SERVICE" INCLUDES THE TRAVEL TO OR FROM A LOCATION WHERE THE ASSISTANCE IS PROVIDED.

(c) "HOSTLER SERVICE" MEANS THE MOVEMENT OF LOCOMOTIVES THAT ARE NOT ATTACHED TO RAIL CARS WITHIN A RAIL YARD.

SECTION 3. Effective date. This act takes effect July 1, 2019.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 21, 2019